

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 241, Page 24,  
2 Section 389.591, Line 9, by inserting after all of said Section an d Line the following:

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4 "393.150. 1. Whenever there shall be filed with the commission by any gas corporation,  
5 electrical corporation, water corporation or sewer corporation any schedule stating a new rate or  
6 charge, or any new form of contract or agreement, or any new rule, regulation or practice relating to  
7 any rate, charge or service or to any general privilege or facility, the commission shall have, and it is  
8 hereby given, authority, either upon complaint or upon its own initiative without complaint, at once,  
9 and if it so orders without answer or other formal pleading by the interested gas corporation,  
10 electrical corporation, water corporation or sewer corporation, but upon reasonable notice, to enter  
11 upon a hearing concerning the propriety of such rate, charge, form of contract or agreement, rule,  
12 regulation or practice, and pending such hearing and the decision thereon, the commission upon  
13 filing with such schedule, and delivering to the gas corporation, electrical corporation, water  
14 corporation or sewer corporation affected thereby, a statement in writing of its reasons for such  
15 suspension, may suspend the operation of such schedule and defer the use of such rate, charge, form  
16 of contract or agreement, rule, regulation or practice, but not for a longer period than one hundred  
17 and twenty days beyond the time when such rate, charge, form of contract or agreement, rule,  
18 regulation or practice would otherwise go into effect; and after full hearing, whether completed  
19 before or after the rate, charge, form of contract or agreement, rule, regulation or practice goes into  
20 effect, the commission may make such order in reference to such rate, charge, form of contract or  
21 agreement, rule, regulation or practice as would be proper in a proceeding initiated after the rate,  
22 charge, form of contract or agreement, rule, regulation or practice had become effective.

23 2. If any such hearing cannot be concluded within the period of suspension, as above stated,  
24 the commission may, in its discretion, extend the time of suspension for a further period not  
25 exceeding six months. At any hearing involving a rate sought to be increased, the burden of proof to  
26 show that the increased rate or proposed increased rate is just and reasonable shall be upon the gas  
27 corporation, electrical corporation, water corporation or sewer corporation, and the commission shall  
28 give to the hearing and decision of such questions preference over all other questions pending before  
29 it and decide the same as speedily as possible.

30 3. The commission order or decision shall specify the annual amount of net write-offs  
31 incurred by the gas corporation in providing service to system sales customers as of the date  
32 revenues, rate base, and expenses were last updated or trued-up in the general rate case proceeding.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

The gas corporation shall thereafter defer and accumulate for future recovery from or return to customers ninety percent of the net increase or decrease in the annual amount of such net write-offs for system sales customers from the date revenues, rate base, and expenses were last updated or trued-up in the general rate case proceeding until the date revenues, rate base, and expenses are updated or trued-up in the gas corporation's next general rate case proceeding. Subject to a review of the reasonableness and prudence of the gas corporation's collection practices, the amounts so deferred shall be recovered from or returned to system sales customers through a positive or negative rate base adjustment designed to recover or returned such amounts over a period not to exceed five years.

393.1012. 1. Notwithstanding any provisions of chapter 386 and this chapter to the contrary, beginning August 28, 2003, a gas corporation providing gas service may file a petition and proposed rate schedules with the commission to establish or change ISRS rate schedules that will allow for the adjustment of the gas corporation's rates and charges to provide for the recovery of costs for eligible infrastructure system replacements. The commission may not approve an ISRS to the extent it would produce total annualized ISRS revenues below the lesser of one million dollars or one-half of one percent of the gas corporation's base revenue level approved by the commission in the gas corporation's most recent general rate proceeding. The commission may not approve an ISRS to the extent it would produce total annualized ISRS revenues exceeding [ten] thirteen percent of the gas corporation's base revenue level approved by the commission in the gas corporation's most recent general rate proceeding. An ISRS and any future changes thereto shall be calculated and implemented in accordance with the provisions of sections 393.1009 to 393.1015. ISRS revenues shall be subject to a refund based upon a finding and order of the commission to the extent provided in subsections 5 and 8 of section 393.1009.

2. The commission shall not approve an ISRS for any gas corporation that has not had a general rate proceeding decided or dismissed by issuance of a commission order within the past [three] five years, unless the gas corporation has filed for or is the subject of a new general rate proceeding.

3. In no event shall a gas corporation collect an ISRS for a period exceeding [three] five years unless the gas corporation has filed for or is the subject of a new general rate proceeding; provided that the ISRS may be collected until the effective date of new rate schedules established as a result of the new general rate proceeding, or until the subject general rate proceeding is otherwise decided or dismissed by issuance of a commission order without new rates being established.

Section B. Because immediate action is necessary to promote the stabilization of rates paid by consumers, the repeal and reenactment of section 393.1012 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 393.1012 of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.